

Message Text

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ACTION EUR-12

INFO OCT-01 IO-04 ISO-00 CIAE-00 COME-00 EB-04 INR-05

LAB-01 NSAE-00 RSC-01 SIL-01 SAM-01 SAJ-01 NIC-01

DODE-00 PM-03 H-01 L-01 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 /067 W

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R 301700Z OCT 74

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 325

INFO AMEMBASSY BONN

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY OSLO

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AMEMBASSY VIENNA

USEC BRUSSELS 922

USMISSION GENEVA

LIMITED OFFICIAL USE SECTION 1 OF 2 MADRID 6822

E.O. 11652: N/A

TAGS: ELAB, PINT, PFOR, SP

SUBJ: OCTOBER 28 TRIAL OF SPANISH SOCIALIST TRADE UNION

LEADERS POSTPONED

REF: MADRID 6678

BEGIN SUMMARY: OCT 28 TRIAL OF FIVE SPANISH SOCIALIST LEADERS
OF CLANDESTINE UGT TRADE UNION AND PSOE POLITICAL PARTY,
WHICH ICFTU SECGEN OTTO KERSTEN CAME TO ATTEND AS OBSERVER,
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WAS POSTPONED INDEFINITELY AT LAST MINUTE. REAL REASON FOR

POSTPONEMENT WAS ALLEGEDLY THAT GOVT WAS CAUGHT IN DILEMMA BETWEEN REGIME HARDLINERS, WHO IN CURRENT MOOD UNLIKELY TOLERATE ANYTHING LESS THAN STIFF 8-12 YEARS SENTENCES GOVT PROSECUTOR WAS DEMANDING, AND ITS DESIRE NOT TO ANTAGONIZE WESTERN EUROPEAN SOCIALIST PARTIES AND GOVTS THROUGH HARSH SENTENCES FOR THE FIVE LEADERS WHO WERE ACCUSED OF ACTIONS WHICH WOULD BE CONSIDERED NORMAL TRADE UNION ACTIVITIES IN MOST DEMOCRATIC COUNTRIES. POSTPONEMENT WAS EASIEST WAY NOT TO ANTAGONIZE EITHER GROUP. POSTPONEMENT OF TRIAL ALSO DEMONSTRATED ONCE AGAIN EFFECTIVENESS OF INTERNATIONAL PRESSURES IN POLITICAL TRIALS OF MODERATE NON-COMMUNIST LEADERS IN SPAIN. END SUMMARY

1. AN IMPORTANT TRIAL OF FIVE LEADERS OF CLANDESTINE SOCIALIST UGT (UNION GENERAL DE TRABAJADORES) TRADE UNION WHO ARE ALSO LEADERS OF AFFILIATED PSOE (PARTIDO SOCIALISTA OBRERO ESPANOL) SOCIALIST POLITICAL PARTY, WHICH WAS SCHEDULED TO BE HELD AFTERNOON OF OCT 28, WAS POSTPONED INDEFINITELY JUST BEFORE TRIAL WAS SCHEDULED COMMENCE.

2. THIS TRIAL WAS RELATED TO DETENTION IN JANUARY 1971 OF FIVE UGT/PSOE LEADERS WHILE THEY WERE MEETING IN A MADRID APARTMENT. WITH SLOW MOVING SPANISH JUDICIAL PROCESS CASE DID NOT COME UP FOR TRIAL BEFORE MADRID'S PUBLIC ORDER COURT UNTIL THIS SPRING WHEN A TRIAL DATE OF APRIL 18 WAS ANNOUNCED. AS APRIL TRIAL DATE APPROACHED, HOWEVER, GOVT POSTPONED TRIAL SINE DIE, ALLEGEDLY AS RESULT OF BEHIND-THE-SCENES PRESSURES ON GOVT BY GERMAN SOCIALIST PARTY AND WEST GERMAN GOVT (GERMAN SOCIALISTS ARE STRONGEST FOREIGN SUPPORTERS OF UGT AND PSOE) AND WITH ALLEGED INTERVENTION OF WILLY BRANDT HIMSELF.

3. TRIAL WAS RECONVOKED AFTER SUMMER FOR OCTOBER 3, BUT WAS THEN POSTPONED AND RESCHEDULED FOR OCT 28 AT REQUEST OF DEFENSE LAWYERS. REASON FOR THIS POSTPONEMENT WAS DESIRE BY UGT AND PSOE THAT TRIAL NOT TAKE PLACE UNTIL AFTER RECENT OCT 11-14 PSOE SOCIALIST PARTY CONGRESS (REFTEL) HELD IN PARIS SUBURB.

4. POLITICAL SIGNIFICANCE THIS TRIAL WAS REFLECTED IN IMPORTANCE OF UGT/PSOE LEADERS ON TRIAL AS WELL AS IN CALIBRE OF FOREIGN OBSERVERS WHO SHOWED UP IN MADRID TO ATTEND NOW-POSTPONED OCT 28 TRIAL.
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5. AMONG FIVE ACCUSED ARE THREE PRINCIPAL CURRENT NATIONAL LEADERS OF BOTH UGT AND PSOE, I.E., SEVILLE LAWYER FELIPE GONZALEZ MARQUEZ (WHO WAS JUST ELECTED PSOE FIRST SECRETARY AT PSOE OCT 11-14 PARIS CONGRESS - SEE REFTEL), BILBAO WORKER LEADER NCOLAS REDONDO URBIETA, AND SAN SEBASTIAN LAWYER ENRIQUE MUGICA HERTZOG. OTHER TWO ACCUSED ARE LESSER FIGURES AND OLD TIME UGT/PSOE VETERANS, I.E., AMBROSIO

GUTIERREZ GONZALEZ, A WORKER WHO WAS PREVIOUSLY FIRED FROM NATIONAL TELEPHONE COMPANY FOR HIS CLANDESTINE TRADE UNION ACTIVITIES, AND CRISTOBAL CALIZ ALMIRON, A RETIRED INSURANCE COMPANY WORKER. ALL FIVE WERE KEPT IN PRISON FOR THREE WEEKS FOLLOWING 1971 ARREST, BUT WERE THEN FREED, ALLEGEDLY ALSO DUE TO INTERNATIONAL PRESURES AT THE TIME, AND HAVE REMAINED FREE ON BAIL SINCE THEN.

6. AMONG INTERNATIONAL OBSERVERS WHO CAME TO MADRID TO ATTEND OCT 28 TRIAL WAS ICFTU SECGEN OTTO KERSTEN (UGT IS PRINCIPAL SPANISH TRADE UNION AFFILIATE OF ICFTU). OTHER FOREIGN SOCIALIST OBSERVERS WHO SHOWED INCLUDED FORMER GERMAN SOCIALIST JUSTICE MINISTER GERHARD JAHN, REPORTEDLY REPRESENTING BOTH GERMAN SPD AND DGB.

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R 301700Z OCT 74

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7. CHARGES AGAINST FIE ACCUSED ARE "ILLICIT ASSOCIATION"
AND "ILLEGAL PROPAGANDA" (REPORTEDLY CLANDESTINE PAMPHLETS
AND OTHER MATERIALS WERE FOUND ON FIVE WHEN ARRESTED), AND
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GOVT PROSECUTOR HAS ASKED FOR JAIL SENTENCE OF 12 YEARS
AND 100,000 PESETA FINE FOR ENRIQUE MUGICA HERTZOG (WHO
HAD BEEN IMPRISONED PRVIOUSLY FOR THE SAME TYPE OF
OFFENSES), AND FOR EIGHT YEARS IMPRISONMENT AND 10,000
PESETAS FINES EACH FOR REMAINING FOUR.

8. UGT AND PSOE HAD ALSO LINED UP FIVE OF THEIR PRINCIPAL
LAWYER MEMBERS AS DEFENSE TEAM, AND THESE INCLUDED UGT/PSOE
EXECUTIVE COMMITTEE MEMBER AND PRINCIPAL MADRID LEADER
PABLO CASTELLANO CARDALLIAGUET, GREGORIO PECES BARBA AND
LEOPOLDO TORRES BOURSALT (ONE-TIME CHRISTIAN DEMOCRATIC
LAWYERS WHO HAVE ENTERED PSOE AND UGT), AND FEDERICO DE CARVAJAL
AND FERNANDO MUGICA HERTZOG (LATTER IS BROTHER OF ONE OF ACCUSED).

9. GOVT GAVE AS REASON FOR NEW POSTPONEMENT FACT THAT SOME
NEW EVIDENCE AGAINST ONE OF ACCUSED HAD BEEN INTRODUCED WHICH
REQUIRED FURTHERSTUDY BY COURT. "NEW EVIDENCE" IS APPARENTLY
AN INTERVIEW GIVEN BY NEW PSOE FIRST SECRETARY FELIPE GONZALEZ
TO SEVILLE NEWSPAPER "EL CORREO DE ANDALUCIA" WHICH APPEARED
ON OCT 19. GOVT HAS REPORTEDLY INSTITUTED NEW LEGAL PROCEDURES
AGAINST GONZALEZ (WHOM IT DETAINED BRIEFLY FOR A FEW HOURS LAST
WEEK) AND AGAINST NEWSPAPERS REPORTER WHO CONDUCTED INTERVIEW.
SPECIFIC CHARGES AGAINST TWO HAVE NOT YET BEEN FORMULATED,
BUT APPARENTLY GOVT INTENDS USE AGAINST HIM FACT THAT GONZALEZ
PUBLICLY ADMITTED IN PRINT THAT HE IS MEMBER OF AN ILLEGAL
SOCIALIST ORGANIZATION AND ALLUDED TO FACT THAT HE WAS RECENTLY
ELECTED ITS FIRST SECRETARY.

10. COMMENT: SUSPENSION OF TRIAL AT LAST MINUTE CAUGHT
EVERYONE BY SURPRISE, INCLUDING SOME SPANISH NEWSPAPERS
(AFTERNOON DAILY "INFORMACIONES" APPEARED WITH AN ARTICLE
INDICATING TRIAL HAD ALREADY COMMENCED).

11. NEW PROCEEDINGS AGAINST GONZALEZ FOR HIS INTERVIEW

LAST WEEK IN SEVILLE NEWSPAPER ACTUALLY OFFERED GOVT CONVENIENT WAY OUT, AT LEAST FOR TIME BEING, OF DIFFICULT DILEMMA. ONE UGT/PSOE DEFENSE LAWYER TOLD LABATT THAT GOVT'S DILEMMA WAS THAT IT WAS CAUGHT BETWEEN CURRENT MOOD OF HARDLINE ELEMENTS IN GOVT AND ESTABLISHMENT WHO WOULD TOLERATE NOTHING LESS THAN MAXIMUM SENTENCES, AND INTERNATIONAL PRESSURES BY WESTERN EUROPEAN SOCIALIST IN CASE AND OUTRAGE AND PROTESTS WHICH LIMITED OFFICIAL USE

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IMPOSITION PRISON SENTENCES WOULD HAVE CAUSED IN WESTERN EUROPE, WITH POSSIBLE DAMAGE TO SPAIN'S ASPIRATIONS VIS-A-VIS EUROPE AND COMMON MARKET. FURTHER POSTPONEMENT OF TRIAL WOULD THUS COOL PASSIONS ON ALL SIDES AND, ASSUMING FIVE REMAIN FREE ON BAIL, IS ALSO TO PRACTICAL ADVANTAGE OF UGT AND PSOE. POSSIBILITY CANNOT BE EXCLUDED THAT GOVT COULD TRY DIVIDE ACCUSED BY PUSHING ITS NEW CASE AGAINST FELIPE GONZALEZ AND LEAVING 1971 CASE AGAINST FIVE IN STATE OF SUSPENDED ANIMATION, ALTHOUGH THIS TACTIC WOULD STILL PROBABLY PROVOKE SOME INTERNATIONAL REACTION.

12. CASE HAS ONCE AGAIN DEMONSTRATED EFFECTIVENESS OF INTERNATIONAL PRESSURE BY INTERNATIONAL TRADE UNION BODIES AND FOREIGN SOCIALIST PARTIES WHEN IT COMES GOVT ACTIONS DIRECTED AGAINST MODERATE NON-COMMUNIST TRADE UNIONS AND POLITICAL GROUPS WHICH HAVE CLOSE WEST EUROPEAN TIES. IT IS ALSO DEMONSTRATIVE IN AN INCREASINGLY EFFECTIVE MANNER IN WHICH SUCH MODERATE GROUPS INSIDE SPAIN CAN BRING FOREIGN PRESSURES PROMPTLY TO BEAR. ADDITIONALLY IT INDICATES SPANISH GOVT REMAINS SENSITIVE TO FOREIGN PRESSURES AND SENSIBILITIES IN CERTAIN CASES.
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